

2-10-01

(92
5/9/02
AM)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**
Plaintiff

v.

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)
Defendants

:
:
:
:
:
:
:
:

No. 1:00-CV-01582

FILED
HARRISBURG, PA
MAY 20 2002

MARY E. D'ANDREA, CL
Per MS Deputy Clerk

**DEFENDANTS' UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE BRIEF OPPOSING PLAINTIFF'S
MOTION TO STRIKE EXHIBITS**

Defendants hereby move the court pursuant to Fed. R. Civ. P. 6 (b), for an enlargement of time in which to file their brief opposing plaintiff's motion to strike certain exhibits to defendants' motion for summary judgment. In support of this motion, defendants assert the following:

1. Defendants filed a motion for summary judgment on February 11, 2002.
2. On April 15, 2002, defendants filed a brief and documents in support of their motion.
3. On May 2, 2002, plaintiff served a motion to strike certain exhibits submitted in support of the summary judgment motion along with a memorandum supporting the motion.
4. Under the Local Rules, defendants' opposing memorandum is due

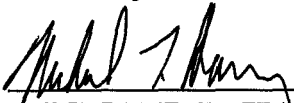
today, May 20, 2002.

5. By this motion and with plaintiff's concurrence defendants are seeking an enlargement of time until May 31, 2002 to file their opposing brief.
6. The attorney primarily responsible for preparing the reply brief, Thomas J. Blazusiak, is presently caring for his wife who is undergoing chemotherapy.
6. Mrs. Blazusiak's recovery is taking longer than anticipated, therefore counsel will not be able to complete defendants' brief in time to file it today. Defendants believe that he will be able to complete the brief by May 31.
7. Counsel for plaintiff's has concurred in the requested enlargement.

WHEREFORE, defendants respectfully request an enlargement of time of eleven days or until May 31, 2002, to file their brief opposing the motion to strike certain exhibits submitted in support of defendants' motion for summary judgment.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 
MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

DATE: May 20, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.
Plaintiff**

v.

**DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)
Defendants**

:
:
:
:
:
: **No. 1:00-CV-01582**
:
:
:

CERTIFICATE OF CONCURRENCE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that
concurrence was sought from plaintiff's counsel, who has concurred in the motion.



MICHAEL L. HARVEY
Senior Deputy Attorney General

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

:
:
:
:
:
:
:


No. 1:00-CV-01582

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on this date, I caused to be served a true and correct copy of the foregoing by depositing it in the United States mail, first-class postage prepaid to the following:

Robert W. Meek
Disabilities Law Project
1315 Walnut Street
Suite 400
Philadelphia, PA 19107

Mark J. Murphy
Disabilities Law Project
1901 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1505



MICHAEL L. HARVEY
Senior Deputy Attorney General

DATE: May 20, 2002